

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO / OAKLAND DIVISION

THOMAS ROSENBERG *et al.*, on  
behalf of themselves and classes of  
those similarly situated,

Plaintiffs,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

Case No. 06-0430 PJH

**~~[PROPOSED]~~ ORDER GRANTING  
PLAINTIFFS' NOTICE OF MOTION AND  
MOTION FOR APPROVAL OF SERVICE  
PAYMENTS TO NAMED PLAINTIFFS**

Date: July 11, 2007

Time: 9:00 a.m.

Courtroom: 3, 17th Floor

Judge: Honorable. Phyllis J. Hamilton

On July 11, 2007, at 9:00 a.m. the parties appeared for a hearing on Plaintiffs' Motion For Approval of Service Payments to Named Plaintiffs. Based upon all papers on file with the Court and the arguments of counsel, the Court finds that the proposed service payments are fair and reasonable, taking into account "the actions the plaintiff[s] [have] taken to protect the interests of the class, the degree to which the class has benefited from those actions, . . . [and] the amount of time and effort the plaintiff[s] expended in pursuing this litigation . . . ." *Staton v. Boeing*, 327 F.3d 938, 977 (9<sup>th</sup> Cir. 2003) (quoting *Cook v. Niedert*, 142 F.3d 1004, 1016 (7<sup>th</sup> Cir. 1998)).

The Claims Administrator shall distribute the following amounts within 10 calendar days after the Settlement Effective Date: \$5,000 each to named Plaintiffs Thomas Rosenberg, James

1 R. Baxter, Sherry Mattson, Steve Park, Fnu Kennedy and Exaldo Topacio; \$1,500 each for named  
2 Plaintiffs Vincent Letizio, Alan Erece, Frank Vasterling, Robert Carlo, Laurence Tosi, III,  
3 Michelle Peel, Denise Rambsel, Robin Daniels, Marcia Howie, and Rebecca Taylor. These  
4 amounts are separate and apart from any other recovery to which these Plaintiffs might be entitled  
5 under other provisions of the Settlement Agreement.  
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7  
8 IT IS SO ORDERED.

9 Dated: 7/12/07  
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